

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 23

## **HOUSE BILL 2019**

AN ACT

AMENDING SECTIONS 13-3821 AND 13-3822, ARIZONA REVISED STATUTES; RELATING TO  
SEX OFFENDER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3821, Arizona Revised Statutes, is amended to  
3 read:

4 13-3821. Persons required to register; procedure;  
5 identification card; assessment; definitions

6 A. A person who has been convicted of or adjudicated guilty except  
7 insane for a violation or attempted violation of any of the following  
8 offenses or who has been convicted of or adjudicated guilty except insane or  
9 not guilty by reason of insanity for an offense committed in another  
10 jurisdiction that if committed in this state would be a violation or  
11 attempted violation of any of the following offenses or an offense that was  
12 in effect before September 1, 1978 and that, if committed on or after  
13 September 1, 1978, has the same elements of an offense listed in this section  
14 or who is required to register by the convicting or adjudicating  
15 jurisdiction, within ten days after the conviction or adjudication or within  
16 ten days after entering and remaining in any county of this state, shall  
17 register with the sheriff of that county:

18 1. Unlawful imprisonment pursuant to section 13-1303 if the victim is  
19 under eighteen years of age and the unlawful imprisonment was not committed  
20 by the child's parent.

21 2. Kidnapping pursuant to section 13-1304 if the victim is under  
22 eighteen years of age and the kidnapping was not committed by the child's  
23 parent.

24 3. Sexual abuse pursuant to section 13-1404 if the victim is under  
25 eighteen years of age.

26 4. Sexual conduct with a minor pursuant to section 13-1405.

27 5. Sexual assault pursuant to section 13-1406.

28 6. Sexual assault of a spouse if the offense was committed before  
29 August 12, 2005.

30 7. Molestation of a child pursuant to section 13-1410.

31 8. Continuous sexual abuse of a child pursuant to section 13-1417.

32 9. Taking a child for the purpose of prostitution pursuant to section  
33 13-3206.

34 10. Child prostitution pursuant to section 13-3212, subsection A or  
35 subsection B, paragraphs PARAGRAPH 1 or 2.

36 11. Commercial sexual exploitation of a minor pursuant to section  
37 13-3552.

38 12. Sexual exploitation of a minor pursuant to section 13-3553.

39 13. Luring a minor for sexual exploitation pursuant to section 13-3554.

40 14. Sex trafficking of a minor pursuant to section 13-1307.

41 15. A second or subsequent violation of indecent exposure to a person  
42 under fifteen years of age pursuant to section 13-1402.

43 16. A second or subsequent violation of public sexual indecency to a  
44 minor under the age of fifteen years pursuant to section 13-1403,  
45 subsection B.

1        17. A third or subsequent violation of indecent exposure pursuant to  
2 section 13-1402.

3        18. A third or subsequent violation of public sexual indecency pursuant  
4 to section 13-1403.

5        19. A violation of section 13-3822 or 13-3824.

6        20. Unlawful age misrepresentation.

7        21. Aggravated luring a minor for sexual exploitation pursuant to  
8 section 13-3560.

9        B. Before the person is released from confinement the state department  
10 of corrections in conjunction with the department of public safety and each  
11 county sheriff shall complete the registration of any person who was  
12 convicted of or adjudicated guilty except insane for a violation of any  
13 offense listed under subsection A of this section. Within three days after  
14 the person's release from confinement, the state department of corrections  
15 shall forward the registered person's records to the department of public  
16 safety and to the sheriff of the county in which the registered person  
17 intends to reside. Registration pursuant to this subsection shall be  
18 consistent with subsection E of this section.

19        C. Notwithstanding subsection A of this section, the judge who  
20 sentences a defendant for any violation of chapter 14 or 35.1 of this title  
21 or for an offense for which there was a finding of sexual motivation pursuant  
22 to section 13-118 may require the person who committed the offense to  
23 register pursuant to this section.

24        D. The court may require a person who has been adjudicated delinquent  
25 for an act that would constitute an offense specified in subsection A or C of  
26 this section to register pursuant to this section. Any duty to register  
27 under this subsection shall terminate when the person reaches twenty-five  
28 years of age.

29        E. A person who has been convicted, adjudicated guilty except insane  
30 or adjudicated delinquent and who is required to register in the convicting  
31 or adjudicating state for an act that would constitute an offense specified  
32 in subsection A or C of this section and who is not a resident of this state  
33 shall be required to register pursuant to this section if the person is  
34 either:

35        1. Employed full-time or part-time in this state, with or without  
36 compensation, for more than fourteen consecutive days or for an aggregate  
37 period of more than thirty days in a calendar year.

38        2. Enrolled as a full-time or part-time student in any school in this  
39 state for more than fourteen consecutive days or for an aggregate period of  
40 more than thirty days in a calendar year. For the purposes of this  
41 paragraph, "school" means an educational institution of any description,  
42 public or private, wherever located in this state.

43        F. Any duty to register under subsection D or E of this section for a  
44 juvenile adjudication terminates when the person reaches twenty-five years of  
45 age.

1       G. The court may order the termination of any duty to register under  
2 this section on successful completion of probation if the person was under  
3 eighteen years of age when the offense for which the person was convicted  
4 or adjudicated guilty except insane was committed.

5       H. The court may order the suspension or termination of any duty to  
6 register under this section after a hearing held pursuant to section 13-923.

7       I. At the time of registering, the person shall sign or affix an  
8 electronic fingerprint to a statement giving such information as required by  
9 the director of the department of public safety, including all names by which  
10 the person is known, any required online identifier and the name of any  
11 website or internet communication service where the identifier is being used.  
12 The sheriff shall fingerprint and photograph the person and within three days  
13 thereafter shall send copies of the statement, fingerprints and photographs  
14 to the department of public safety and the chief of police, if any, of the  
15 place where the person resides. The information that is required by this  
16 subsection shall include the physical location of the person's residence and  
17 the person's address. If the person has a place of residence that is  
18 different from the person's address, the person shall provide the person's  
19 address, the physical location of the person's residence and the name of the  
20 owner of the residence if the residence is privately owned and not offered  
21 for rent or lease. If the person receives mail at a post office box, the  
22 person shall provide the location and number of the post office box. If the  
23 person HAS MORE THAN ONE RESIDENCE OR does not have an address or a permanent  
24 place of residence, the person shall provide a description and physical  
25 location of any temporary residence and shall register as a transient not  
26 less than every ninety days with the sheriff in whose jurisdiction the  
27 transient is physically present.

28       J. On the person's initial registration and every year after the  
29 person's initial registration, the person shall confirm any required online  
30 identifier and the name of any website or internet communication service  
31 where the identifier is being used and the person shall obtain a new  
32 nonoperating identification license or a driver license from the motor  
33 vehicle division in the department of transportation and shall carry a valid  
34 nonoperating identification license or a driver license. Notwithstanding  
35 sections 28-3165 and 28-3171, the license is valid for one year from the date  
36 of issuance, and the person shall submit to the department of transportation  
37 proof of the person's address and place of residence. The motor vehicle  
38 division shall annually update the person's address and photograph and shall  
39 make a copy of the photograph available to the department of public safety or  
40 to any law enforcement agency. The motor vehicle division shall provide to  
41 the department of public safety daily address updates for persons required to  
42 register pursuant to this section.

43       K. Except as provided in subsection E or L of this section, the clerk  
44 of the superior court in the county in which a person has been convicted of  
45 or adjudicated guilty except insane for a violation of any offense listed

1 under subsection A of this section or has been ordered to register pursuant  
2 to subsection C or D of this section shall notify the sheriff in that county  
3 of the conviction or adjudication within ten days after entry of the  
4 judgment.

5 L. Within ten days after entry of judgment, a court not of record  
6 shall notify the arresting law enforcement agency of an offender's conviction  
7 of or adjudication of guilty except insane for a violation of section  
8 13-1402. Within ten days after receiving this information, the law  
9 enforcement agency shall determine if the offender is required to register  
10 pursuant to this section. If the law enforcement agency determines that the  
11 offender is required to register, the law enforcement agency shall provide  
12 the information required by section 13-3825 to the department of public  
13 safety and shall make community notification as required by law.

14 M. A person who is required to register pursuant to this section  
15 because of a conviction or adjudication of guilty except insane for the  
16 unlawful imprisonment of a minor or the kidnapping of a minor is required to  
17 register, absent additional or subsequent convictions or adjudications, for a  
18 period of ten years from the date that the person is released from prison,  
19 jail, probation, community supervision or parole and the person has fulfilled  
20 all restitution obligations. Notwithstanding this subsection, a person who  
21 has a prior conviction or adjudication of guilty except insane for an offense  
22 for which registration is required pursuant to this section is required to  
23 register for life.

24 N. A person who is required to register pursuant to this section and  
25 who is a student at a public or private institution of postsecondary  
26 education or who is employed, with or without compensation, at a public or  
27 private institution of postsecondary education or who carries on a vocation  
28 at a public or private institution of postsecondary education shall notify  
29 the county sheriff having jurisdiction of the institution of postsecondary  
30 education. The person who is required to register pursuant to this section  
31 shall also notify the sheriff of each change in enrollment or employment  
32 status at the institution.

33 O. At the time of registering, the sheriff shall secure a sufficient  
34 sample of blood or other bodily substances for deoxyribonucleic acid testing  
35 and extraction from a person who has been convicted of or adjudicated guilty  
36 except insane for an offense committed in another jurisdiction that if  
37 committed in this state would be a violation or attempted violation of any of  
38 the offenses listed in subsection A of this section or an offense that was in  
39 effect before September 1, 1978 and that, if committed on or after September  
40 1, 1978, has the same elements of an offense listed in subsection A of this  
41 section or who is required to register by the convicting or adjudicating  
42 jurisdiction. The sheriff shall transmit the sample to the department of  
43 public safety.

44 P. Any person who is required to register under subsection A of this  
45 section shall register the person's required online identifier and the name

1 of any website or internet communication service where the identifier is  
2 being used or is intended to be used with the sheriff from and after December  
3 31, 2007, regardless of whether the person was required to register an  
4 identifier at the time of the person's initial registration under this  
5 section.

6 Q. On conviction of or adjudication of guilty except insane for any  
7 offense for which a person is required to register pursuant to this section,  
8 in addition to any other penalty prescribed by law, the court shall order the  
9 person to pay an additional assessment of two hundred fifty dollars. This  
10 assessment is not subject to any surcharge. The court shall transmit the  
11 monies received pursuant to this section to the county treasurer. The county  
12 treasurer shall transmit the monies received to the state treasurer. The  
13 state treasurer shall deposit the monies received in the state general fund.  
14 Notwithstanding any other law, the court shall not waive the assessment  
15 imposed pursuant to this section.

16 R. For the purposes of this section:

17 1. "Address" means the location at which the person receives mail.

18 2. "Required online identifier" means any electronic e-mail address  
19 information or instant message, chat, social networking or other similar  
20 internet communication name, but does not include a social security number,  
21 date of birth or pin number.

22 3. "Residence" means the person's dwelling place, whether permanent or  
23 temporary.

24 Sec. 2. Section 13-3822, Arizona Revised Statutes, is amended to read:

25 13-3822. Notice of moving from place of residence or change of  
26 name or electronic information; forwarding of  
27 information; definitions

28 A. Within seventy-two hours, excluding weekends and legal holidays,  
29 after moving from the person's residence within a county or after changing  
30 the person's name, a person who is required to register under this article  
31 shall inform the sheriff in person and in writing of the person's new  
32 residence, address or new name. If the person moves to a location that is  
33 not a residence and the person receives mail anywhere, including a post  
34 office box, the person shall notify the sheriff of the person's address. If  
35 the person HAS MORE THAN ONE RESIDENCE OR does not have an address or a  
36 permanent place of residence, the person shall register as a transient not  
37 less than every ninety days with the sheriff in whose jurisdiction the  
38 transient is physically present. Within three days after receipt of such  
39 information, the sheriff shall forward it to the department of public safety  
40 and the chief of police, if any, of the place from which the person moves,  
41 and shall forward a copy of the statement, fingerprints and photograph of the  
42 person to the chief of police, if any, of the place to which the person has  
43 moved.

44 B. Within seventy-two hours after a person moves from a county in  
45 which the person is registered, the person shall notify in writing the

1 sheriff of the county from which the person moves. If the person is subject  
2 to community notification requirements, the sheriff of the county from which  
3 the person moves shall advise the local law enforcement agency of the county  
4 to which the person moves of the move. If the person moves out of this  
5 state, the sheriff of the county from which the person moves shall advise the  
6 local law enforcement agency in the jurisdiction to which the person moves.  
7 The local law enforcement agency shall contact the department of public  
8 safety following ten days after being notified to determine if the person has  
9 reregistered. If the person has not reregistered, the local law enforcement  
10 agency shall notify the local law enforcement agency in the county in which  
11 the person last resided. Any law enforcement agency in the county in which  
12 the person last resided shall conduct an investigation and shall submit a  
13 report to the appropriate county attorney.

14 C. A person who is required to register pursuant to this article shall  
15 notify the sheriff either in person or electronically within seventy-two  
16 hours, excluding weekends and legal holidays, after a person makes any change  
17 to any required online identifier, and before any use of a changed or new  
18 required online identifier to communicate on the internet. Within three days  
19 after receipt of the information, the sheriff shall forward the information  
20 to the department of public safety. Within three days after receipt of the  
21 information from the sheriff, the department of public safety shall update  
22 the person's information in the department of public safety database.

23 D. For the purposes of this section:

24 1. "Address" means the location at which the person receives mail.

25 2. "Required online identifier" means any electronic e-mail address  
26 information or instant message, chat, social networking or other similar  
27 internet communication name, but does not include A social security number,  
28 date of birth, or pin number.

29 3. "Residence" means the person's dwelling place, whether permanent or  
30 temporary.

APPROVED BY THE GOVERNOR MARCH 15, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2012.

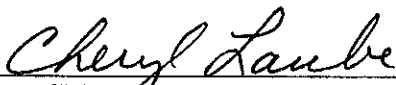
Passed the House February 6, 2012

by the following vote: 57 Ayes,

0 Nays, 2 Not Voting  
1 vacant



Speaker of the House

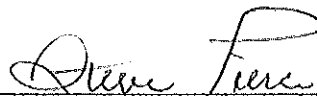


Chief Clerk of the House

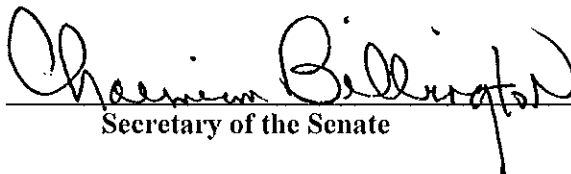
Passed the Senate March 13, 2012

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



President of the Senate



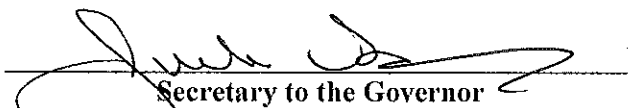
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

14 day of March, 20 12

at 3:50 o'clock PM M.

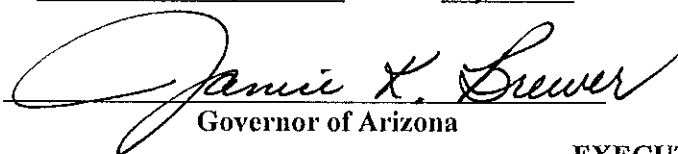


Secretary to the Governor

Approved this 15<sup>th</sup> day of

March

at 4:03 o'clock P. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 15<sup>th</sup> day of March, 20 12

at 5:41 o'clock P. M.



Secretary of State

H.B. 2019